

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

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In re Patent Application of: Richard A. Joseph et al.

Application No.: 10/563,347

Confirmation No.: 8834

Filed: January 3, 2006

Art Unit: 1634

For: ASSAY AND PROCESS FOR LABELING  
AND DETECTION OF MICRO RNA AND  
SMALL INTERFERING RNA SEQUENCES

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Examiner: J. Martinell

**RESPONSE TO NON-FINAL OFFICE ACTION**

MS Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

In response to the Office Action mailed July 29, 2008, the Examiner's attention is directed to the following remarks.

Claims 1-21 and 24 are pending the present application. Claims 1-14 have been withdrawn and claims 15-21 and 24 are currently being examined.

**Remarks Relating To IDS Citing EP 0 742 286**

The Examiner has not considered EP 0 742 286 cited in the November 7, 2006 IDS because the reference is not in the English language and no translation was filed. Applicant has now submitted an IDS including a translation of EP 0 742 286 "produced by an automated process", downloaded from the European Patent Office website.

**Rejection of Claims 15-21 and 24 Under 35 USC §112, Second Paragraph**

The Examiner finds the phrase "universal control" vague and indefinite "because the term is not defined in the application..." (Paper No. 20080726, p.2)